

# HOUSE JOURNAL

---

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

---

## PROCEEDINGS

NINETEENTH DAY — TUESDAY, FEBRUARY 13, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 19).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough.

Absent, Excused — Sadler; Zbranek.

Absent — Hartnett.

The invocation was offered by Reverend Michael Piazza, pastor, Cathedral of Hope, Dallas, as follows:

God of our weary years, God of our silent tears, you who have led us thus far on our way hear the cry of our hearts this day.

We cry out for peace, for justice, for hope. We pray, O God, that our leaders will fairly and equitably work for all your people without regard to their race, religion, gender, or sexual orientation.

Anoint us, O God, to use our power on behalf of the poor, the hurting, the excluded, and the vulnerable. Remind us to be good stewards of our environment. Help us to value the future needs of our children more than the pressure of current greed.

You who are both mother and father to us all, give birth to new hope for a new day. May we treasure the diversity of all creation until we rise up and live out the values we claim.

Give us the courage to be your instruments to care for all your people. Have mercy upon us, O God, and make us your merciful people.

In your many names we pray. Amen.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today and the remainder of the week because of illness in the family:

Sadler on motion of Gallego.

The following member was granted leave of absence for today because of important business in the district:

Zbranek on motion of Raymond.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Menendez who presented Dr. David Schneider of San Antonio as the "Doctor for the Day."

The house welcomed Dr. Schneider and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **HR 215 - ADOPTED**

**(by McReynolds, Christian, Hopson, et al.)**

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 215**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 215**, Honoring the members of the Texas Forestry Association for their reforestation efforts.

**HR 215** was read and was adopted without objection.

On motion of Representative Ellis, the names of all the members of the house were added to **HR 215** as signers thereof.

#### **HR 206 - ADOPTED**

**(by Cook, et al.)**

Representative Cook moved to suspend all necessary rules to take up and consider at this time **HR 206**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 206**, Recognizing February 13, 2001, as Texas Rice Day at the State Capitol.

**HR 206** was read and was adopted without objection.

**HR 263 - ADOPTED**  
**(by Puente)**

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 263**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 263**, Honoring Dr. Anthony B. Constanzo on his retirement as superintendent of the East Central Independent School District in San Antonio.

**HR 263** was adopted without objection.

**HR 262 - ADOPTED**  
**(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 262**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 262**, In recognition of Larry Hagman as a "Texas Treasure" for his many good works and deeds.

**HR 262** was read and was adopted without objection.

On motion of Representatives P. King and Uher, the names of all the members of the house were added to **HR 262** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Hunter, who introduced Larry Hagman and his wife, Maj. Mr. Hagman briefly addressed the house.

**HR 245 - ADOPTED**  
**(by Isett)**

Representative Isett moved to suspend all necessary rules to take up and consider at this time **HR 245**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 245**, In memory of Melba Richards of Lubbock.

**HR 245** was unanimously adopted by a rising vote.

On motion of Representative D. Jones, the names of all the members of the house were added to **HR 245** as signers thereof.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING**  
**AND REFERRAL TO COMMITTEES**  
**RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

### **RULES SUSPENDED**

Representative Dunnam moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 1474**.

The motion prevailed without objection.

Representative Marchant moved to suspend the 5-day posting rule to allow the Select Committee on Teachers Health Insurance to meet at 4 p.m. today, instead of 5:15 p.m. as originally posted.

The motion prevailed without objection.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Select Committee on Teachers Health Insurance, originally posted for 5:15 p.m., will meet at 4 p.m. today, E2.036.

### **HR 172 - ADOPTED (by Noriega)**

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 172**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 172**, Recognizing February 13, 2001, as East End Day at the State Capitol.

**HR 172** was read and was adopted without objection.

On motion of Representative Woolley, the names of all the members of the house were added to **HR 172** as signers thereof.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Noriega, who introduced a delegation from East End.

### **ADJOURNMENT**

Representatives Isett and D. Jones moved that the house adjourn until 10 a.m. tomorrow in memory of Melba Herron Richards of Lubbock.

The motion prevailed without objection.

The house accordingly, at 10:59 a.m., adjourned until 10 a.m. tomorrow.

---

### **ADDENDUM**

---

### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 1477** (By Chisum), Relating to the permitting process for the construction of certain concrete plants.

To Environmental Regulation.

**HB 1478** (By Maxey), Relating to the name, composition, and duties of the work group on children's long-term care and health programs.

To Human Services.

**HB 1479** (By Miller), Relating to the expiration of a license to carry a concealed handgun.

To Public Safety.

**HB 1480** (By Miller), Relating to the compensation of certain employees of the Texas Department of Criminal Justice.

To Appropriations.

**HB 1481** (By Denny), Relating to the prosecution of the offense of unlawful possession of a firearm by a felon.

To Criminal Jurisprudence.

**HB 1482** (By Deshotel), Relating to certain exemptions from fishing license fee requirements.

To State Recreational Resources.

**HB 1483** (By Homer), Relating to franchise tax incentives for recycling.

To Ways & Means.

**HB 1484** (By Hawley), Relating to the authority of a county to borrow from the state infrastructure bank.

To Transportation.

**HB 1485** (By Hawley), Relating to the creation of a county development district and to the use of revenue of the district.

To County Affairs.

**HB 1486** (By Najera), Relating to reviews by the comptroller or the state auditor of contracts involving state money.

To State Affairs.

**HB 1487** (By Yarbrough, et al.), Relating to a deferred retirement option for certain law enforcement and custodial officer members of the Employees Retirement System of Texas.

To Pensions & Investments.

**HB 1488** (By Kitchen), Relating to the issuance of bonds by school districts for the purchase of school buses.

To Public Education.

**HB 1489** (By Hochberg), Relating to University Interscholastic League rules relating to student eligibility for participation in academic competitions.

To Public Education.

**HB 1490** (By Geren and Brimer), Relating to the right of certain lessees of land owned by a municipality to purchase the land.

To Land & Resource Management.

**HB 1491** (By Farabee), Relating to health benefit plan coverage for certain mental disorders in children.

To Insurance.

**HB 1492** (By Hardcastle, Keffer, Ritter, Deshotel, and Cook), Relating to painting, marking, and lighting requirements for certain antenna structures.

To Transportation.

**HB 1493** (By Wise), Relating to the regulation of mortgage brokers.

To Financial Institutions.

**HB 1494** (By Gray), Relating to the collection of solid waste disposal service fees by a county or by certain public or private entities contracting with a county.

To Environmental Regulation.

**HB 1495** (By Farabee), Relating to the transfer of tax credits by members of the Life, Accident, Health and Hospital Service Insurance Guaranty Association.

To Insurance.

**HB 1496** (By Farabee), Relating to the name of political committees for supporting a candidate or assisting an officeholder.

To Elections.

**HB 1497** (By Farabee), Relating to the provision of mental health and mental retardation services.

To Public Health.

**HB 1498** (By Farabee), Relating to the examination of children under the jurisdiction of the juvenile court for possible mental illness or mental retardation.

To Juvenile Justice & Family Issues.

**HB 1499** (By Uresti), Relating to conditions imposed by a judge on a defendant placed on deferred adjudication community supervision.

To Criminal Jurisprudence.

**HB 1500** (By Uresti), Relating to driving privileges of certain minors.

To Public Safety.

**HB 1501** (By Hupp), Relating to duties imposed on a peace officer after performing a search.

To Public Safety.

**HB 1502** (By McCall), Relating to continuation and functions of the Texas Department of Banking and the regulation of certain financial institutions and businesses; providing an administrative penalty.

To Financial Institutions.

**HB 1503** (By McCall), Relating to the continuation of the State Pension Review Board, to functions performed by the board, and to the funding of the board.

To Pensions & Investments.

**HB 1504** (By Walker), Relating to the well permitting process of groundwater conservation districts.  
To Natural Resources.

**HB 1505** (By Yarbrough), Relating to the regulation of plumbing; providing a penalty.  
To Licensing & Administrative Procedures.

**HB 1506** (By Yarbrough), Relating to security costs required of a person who contests certain alcoholic beverage license applications.  
To Licensing & Administrative Procedures.

**HB 1507** (By Yarbrough), Relating to classification of positions within covered fire departments.  
To Urban Affairs.

**HB 1508** (By Yarbrough), Relating to payment of educational incentive pay to certain fire fighters.  
To Urban Affairs.

**HB 1509** (By Yarbrough), Relating to reimbursement of public safety employees for work-related exposure to contagious disease or hazardous materials.  
To Business & Industry.

**HB 1510** (By Yarbrough), Relating to investigatory interviews for certain fire fighters.  
To Urban Affairs.

**HB 1511** (By Williams), Relating to county authority to regulate the keeping of certain wild animals.  
To County Affairs.

**HB 1512** (By Counts), Relating to the powers and duties of Stonewall County Hospital District.  
To County Affairs.

**HB 1513** (By Delisi), Relating to the establishment of a defined contribution health care benefits program for employees of public school districts.  
To Teacher Health Insurance, Select.

**HB 1514** (By Junell), Relating to requiring the seller of residential real property to disclose to the purchaser the location of certain commercial enterprises.  
To Business & Industry.

**HB 1515** (By Janek), Relating to the recovery of damages by a parent, managing conservator, or guardian in a suit brought by a person who was younger than 18 at the time the cause of action accrued.  
To Civil Practices.

**HB 1516** (By Janek), Relating to the provision of catastrophic case management services under the medical assistance program.  
To Public Health.

**HB 1517** (By Solomons), Relating to posting the state budget on the Internet.

To State Affairs.

**HB 1518** (By Junell), Relating to the appointment and nonpartisan retention or rejection of appellate justices and judges and to elimination of a straight-party vote in connection with district judges.

To Judicial Affairs.

**HB 1519** (By Wilson), Relating to the terms of, and term limits on, the members of certain municipal governing bodies.

To Urban Affairs.

**HB 1520** (By Wilson), Relating to combining privileges of certain alcoholic beverage permits.

To Licensing & Administrative Procedures.

**HB 1521** (By Wilson), Relating to benefits from the Employees Retirement System of Texas for law enforcement officers commissioned by the Texas Lottery Commission.

To Pensions & Investments.

**HB 1522** (By Averitt), Relating to liens on certain property related to certain criminal offenses and the effect of forfeiture of that property.

To Financial Institutions.

**HB 1523** (By Wilson), Relating to the abolishment of market research packager's permits for receiving alcoholic beverages.

To Licensing & Administrative Procedures.

**HB 1524** (By Wilson), Relating to the regulation of industrial alcohol.

To Licensing & Administrative Procedures.

**HB 1525** (By Garcia), Relating to teacher certification of certain persons holding advanced degrees issued by institutions in foreign countries.

To Public Education.

**HCR 116** (By Deshotel), Directing the General Services Commission to rename the Jefferson County State School in Beaumont to honor former Representative Al Price.

To State Affairs.

**HCR 117** (By Madden), Memorializing congress to amend the Motor Voter Law.

To Elections.

**HCR 119** (By Crabb), Supporting the continued search for missing United States military personnel and civilians.

To State, Federal & International Relations.

**HCR 122** (By Hill), Urging public schools to implement character education and citizenship programs that focus on basic documents of American democracy.

To Public Education.



**HCR 123** (By Geren), Honoring LaDainian Tomlinson on his receipt of the 2000 Doak Walker Award.

To Rules & Resolutions.

**HCR 126** (By Allen), In honor of Vernon and Ruthe Jackson's outstanding community service.

To Rules & Resolutions.

**HJR 60** (By Dunnam), Proposing a constitutional amendment relating to the rulemaking power of the supreme court.

To Judicial Affairs.

**HJR 61** (By Gallego), Proposing a constitutional amendment to repeal the constitutional requirement for decennial reapportionment of the judicial districts and to abolish the Judicial Districts Board.

To Judicial Affairs.

**HJR 62** (By Swinford), Proposing a constitutional amendment to permit the Commissioners Court of Potter County to call an election to abolish the office of constable in the county.

To County Affairs.

**HR 253** (By McCall), Recognizing February 20, 2001, as Texas Life Science Day.

To Rules & Resolutions.

**HR 256** (By Counts, Junell, Hunter, B. Turner, and Keffer), Recognizing February 21, 2001, as Texas Midwest Day in Austin and honoring the Texas Midwest Community Network.

To Rules & Resolutions.

**HR 257** (By Ramsay), Recognizing February 14, 2001, as Jefferson Day at the State Capitol.

To Rules & Resolutions.

**HR 258** (By Wilson), In memory of Maxine Mesinger of Houston.

To Rules & Resolutions.

**HR 259** (By Seaman), In memory of Judge John Douglas Wendell.

To Rules & Resolutions.

**HR 260** (By West, Y. Davis, and B. Turner), In memory of Edward K. Downing, Sr., of Odessa.

To Rules & Resolutions.

**HR 261** (By McReynolds, Naishtat, and Green), Honoring John Holtermann of San Marcos for his deep commitment to the senior citizens of Texas.

To Rules & Resolutions.

**HR 264** (By Hill), Recognizing February 20, 2001, as Richardson Telecom Corridor Legislative Day at the State Capitol.

To Rules & Resolutions.

**SB 328** to Criminal Jurisprudence.

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, February 13, 2001

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 108**            Ellis, Dan            SPONSOR: Ogden  
Designating February 10, 2001, as Walker County Emergency Personnel Appreciation Day.

**SB 171**            Carona  
Relating to the renewal of a license to practice chiropractic.

**SB 173**            Carona  
Relating to the refund of cash to a surety in a criminal case.

**SB 327**            Jackson  
Relating to the servicing of a portable fire extinguisher.

Respectfully,

Betty King  
Secretary of the Senate

---

**APPENDIX**

---

**SENT TO THE GOVERNOR**

**February 12 - HCR 103**